

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,

V.

WILLIAM WOLFE, et al.,
Defendants.

:
: No. C.A. 04-230-E
: Magistrate Judge Baxter
: District Judge Cohill
:
:
:

MOTION TO COMPEL DISCOVERY

AND NOW, comes plaintiff, respectfully requesting this Honorable Court to compel discovery, and in support avers:

1. Plaintiff has submitted requests for the production of the Department of Corrections z-code policy as the 'policy' itself is being challenged by plaintiff. Further, this policy is *material* to plaintiff's lawsuit because the defendants claim plaintiff failed to meet this policy's requirements while plaintiff is alleging that he did.

2. The defendants have objected to producing this policy when they know that this is *material* to plaintiff's lawsuit and without it he can hardly argue against it and its constitutionality.

3. Plaintiff has also request to inspect his DC-14 file located inside his counselors office. While the defendants had originally agreed to allowing his inspecting it in its 'redacted' version, they have now totally objected to its production. This file contains information regarding plaintiff's z-code at the times in question and has information regarding his behavior and defendants state of mind during the times at issue. And is likely to lead to other pertinent information.

FILED
JUN-6 AM 1:01
U.S. DISTRICT COURT

4. Plaintiff has also requested the production of the staff sign in log for the dates 9/23/02 through 9/28/02 for D/A unit as it will prove that defendant Wolfe was there when plaintiff alleged to have had a conversation with defendant Wolfe. The defendants claim this would be a security issue. These sign in logs are simply a book that staff sign when they come onto a unit. Obviously inmates saw these staff and it does not create any security issue. This is material to plaintiff's lawsuit and its production is requested.

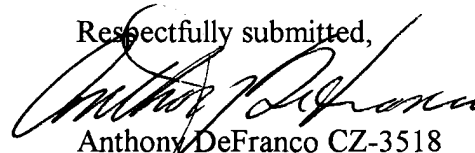
5. Plaintiff requested information pertaining to how many psychologists the defendants state he spoke with from 3/26/02 until 6/25/02. And the dates and names. The defendants simply stated that plaintiff reviewed his "redacted" medical files and the information was located inside. Plaintiff did not see anything on this matter. Further, a Ms. Eichenlaub is purportedly a psychologist stating she consulted with plaintiff; plaintiff denies ever meeting this person. This psychologist is allegedly one that voted to remove the z-code in 2002. Plaintiff is seeking information establishing when (date) this person was to have met with him. Plaintiff asks that this discovery request be granted.

6. Plaintiff asks that the Court issue an Order directing the defendants to turn over all of the aforementioned documents.

WHEREFORE, plaintiff prays this Honorable Court grant this motion to compel.

Date: June 2, 2006

Respectfully submitted,



Anthony DeFranco CZ-3518
10745 Route 18
Albion, Pa. 16475-0002

Certificate of Service
Service was made on the
defendants this date, by US
First Class Mail.